

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Resolution, Consent Agenda, September 30, 2008

**CONTACT PERSON/PHONE:** Arturo Rubio, 541-4633

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

A Resolution approving a detailed site development plan, for Lots 31 and 32, Block 91, Supplemental Map No. 1 of the East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to a condition imposed by ordinance No. 014875. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3400 Montana Avenue. Applicants: Oscar and Aurora Menchaca, ZON08-00061 (District 8)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (7-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Victor Q. Torres  
Director, Development Services

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**RESOLUTION**

**A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN, FOR LOTS 31 AND 32, BLOCK 91, SUPPLEMENTAL MAP NO. 1 OF THE EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO A CONDITION IMPOSED BY ORDINANCE NO. 014875. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, Oscar and Aurora Menchaca,** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition, which requires City Plan Commission and City Council approval, to permit the construction and development of a flower shop; and

**WHEREAS,** a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

**WHEREAS,** the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

**WHEREAS,** the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a flower shop on the following described property which is located in a **S-D/sc (Special Development/special contract) District:**

*Lot 31 and 32, Block 91, Supplemental Map No. 1 of the East El Paso Addition, City of El Paso, El Paso County, Texas.*

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **S-D/sc (Special Development/special contract)** District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **S-D/sc (Special Development/special contract)** District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

**ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.**

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Deputy Director  
Development Services Department  
Planning Division

(Agreement on following page)

CITY CLERK DEPT.  
08 SEP 16 PM 4:50

**DEVELOPMENT AGREEMENT**

By execution hereof, **I, Oscar and Aurora Menchaca**, ("Applicant"), identified in the Resolution to which this Development Agreement is attached, hereby covenant and agree, to develop the above-described property in accordance with the approved Detailed Site Development Plan, and in accordance with the standards applicable to the **S-D/sc (Special Development/special contract)** District located within the City of El Paso.

EXECUTED this 16<sup>th</sup> day of SEPTEMBER, 2008.

**OSCAR MENCHACA**

By: *[Signature]*

**AURORA MENCHACA**

By: *[Signature]*



**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 16<sup>th</sup> day of September, 2008, by Oscar Menchaca.

*Armida R. Martinez*  
Notary Public, State of Texas

My Commission Expires:  
January 22, 2011

CITY CLERK DEPT.  
08 SEP 16 PM 4:50

**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

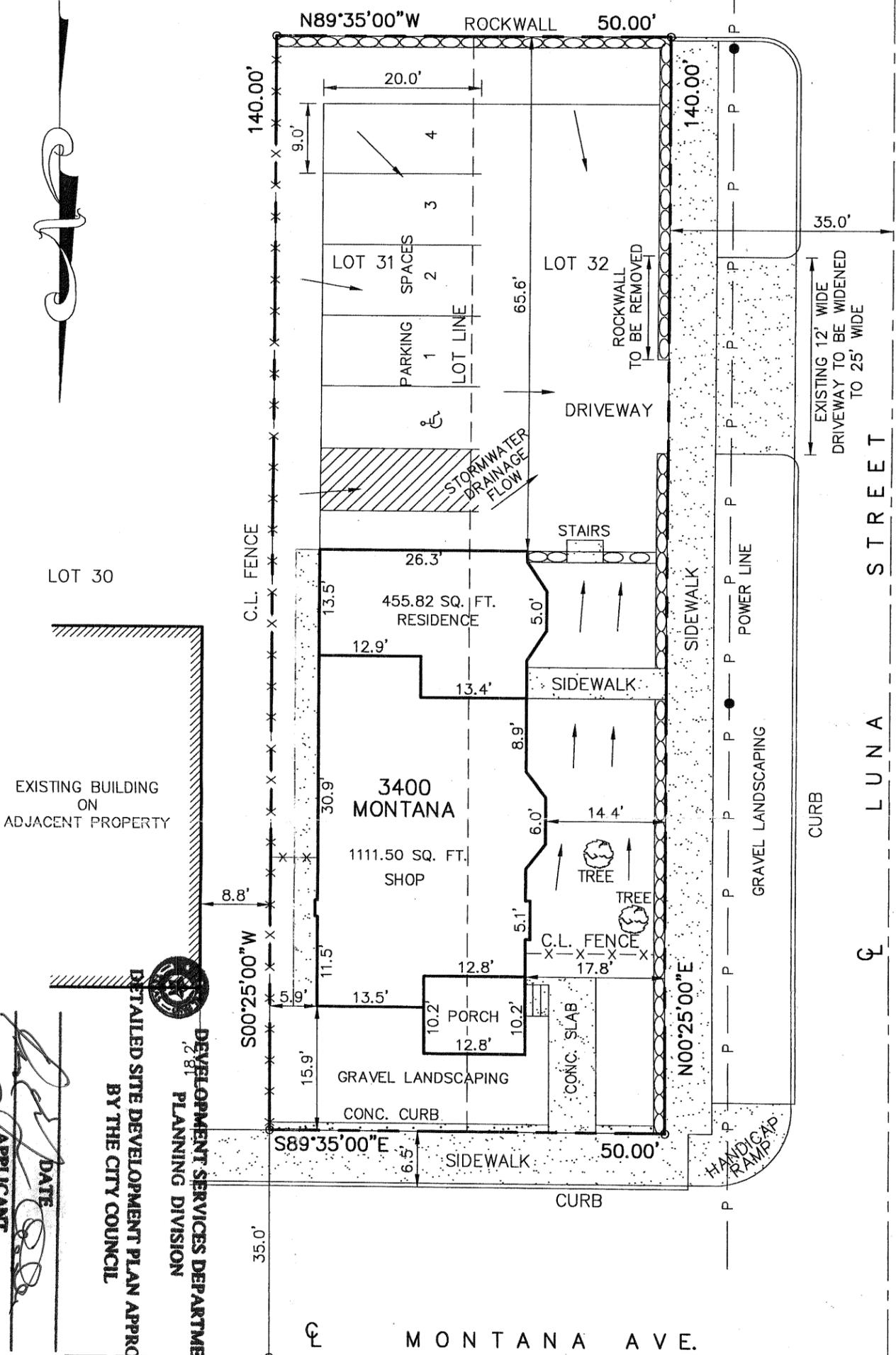
This instrument is acknowledged before me on this 16<sup>th</sup> day of September, 2008, by Aurora Menchaca.

*Armida R. Martinez*  
Notary Public, State of Texas

My Commission Expires:  
January 22, 2011

# SITE DEVELOPEMENT PLAN

20' ALLEY



**DETAILED SITE DEVELOPEMENT PLAN APPROVED**  
**BY THE CITY COUNCIL**  
**DEVELOPEMENT SERVICES DEPARTMENT**  
**PLANNING DIVISION**

APPLICANT: *[Signature]*  
 EXECUTIVE SECRETARY: *[Signature]*  
 CITY PLAN COMMISSION

DATE: *[Signature]*  
 CITY CLERK DEPT.

MANUEL CALDERON  
 42333  
*[Signature]*  
 8/28/08 8:50 PM  
 CITY CLERK DEPT.

Book 1 Page 51 Job No. 508-188A

3400 MONTANA AVE.  
 LOTS 31 AND 32, BLOCK 91,  
 SUPPLEMENTAL MAP NO. 1 OF  
 EAST EL PASO ADDITION,  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

Field JM Office MC-C6 Date 06-25-08 Scale 1"=20'

**CALDERON ENGINEERING**  
 3031 TRAWOOD DR.  
 EL PASO, TEXAS 79936 (915) 855-7552  
 E-Mail: CalderonEngineering@elpbizclass.com

EXHIBIT "A"

CITY MANAGER



**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**VICTOR Q. TORRES**  
DIRECTOR, DEVELOPMENT SERVICES

**MATHEW S. MCELROY**  
DEPUTY DIRECTOR, PLANNING

**CITY COUNCIL**

ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**MEMORANDUM**

**DATE:** September 22, 2008

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Arturo Rubio, Planner

**SUBJECT: ZON08-00061**

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The City Plan Commission (CPC), on August 28, 2008, voted 7-0 to recommend APPROVAL of detailed site development plan.

The CPC found that the detailed site development plan is in conformance with all applicable requirements of the El Paso City Code, The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this detailed site development plan protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of the detailed site development plan will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were no letters or phone calls in support or opposition of this request.

**Attachment:** Staff Report



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** ZON08-00061  
**Application Type:** Detailed Site Development Plan Review  
**CPC Hearing Date:** August 28, 2008  
**Staff Planner:** Arturo Rubio, 915-541-4633, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**Location:** 3400 Montana Avenue  
**Legal Description:** Lots 31 and 32, Block 91, Supplemental Map No. 1 of the East El Paso Addition, City of El Paso, El Paso County, Texas

**Acreage:** 0.1607 acres  
**Rep District:** 8  
**Existing Use:** Single-Family dwelling  
**Existing Zoning:** S-D/sc (Special Development/special contract)

**Property Owner:** Oscar and Aurora Menchaca  
**Applicant:** Oscar and Aurora Menchaca  
**Representative:** Oscar and Aurora Menchaca

### **SURROUNDING ZONING AND LAND USE:**

**North:** S-D/c/sc (Special Development/conditions/special contract), Retail commercial, A-O (Apartment Office), Office, R-5 (Residential), Single-Family dwelling

**South:** R-5 (Residential), Single-Family dwellings, Mary Webb Park

**East:** S-D (Special Development), Legal office, R-5 (Residential), Single Family dwelling  
S-D/c (Special Development/conditions), Office, Alta Vista Elementary School

**West:** S-D (Special Development), Retail, R-5 (Residential), Single-Family Dwelling

**THE PLAN FOR EL PASO DESIGNATION:** Commercial/Residential (Central Planning Area)

**NEIGHBORHOOD ASSOCIATIONS:** Notification to neighborhood associations not required for detailed site development plan as per the El Paso City Code.

### **APPLICATION DESCRIPTION:**

The detailed site development Plan is a condition placed by zoning Ordinance 014875 dated June 19, 2001. The condition is as follows: “Submittal of a detailed site development plan for approval by the City Plan commission and City Council prior to the issuance of certificate of occupancy. The site plan submitted with the application for rezoning (ZC-01018) shall satisfy the requirement for a detailed site development plan for the proposed office development. Any change in use or substantial changes to the proposed design shall necessitate resubmittal of a detailed site development plan under the notice and approved requirements of Article III of Title 20 (Zoning) of the El Paso Municipal Code.” The applicant is proposing a flower shop and therefore a detailed site development plan is required.

The detailed site development plan submitted shows a 1,111.50 sq. ft. flower shop area with a 455.82 sq. ft. living quarters. The dimensional standards are as follows: 15.9' front set back, 65.6' rear set back, 5.9' side set back, 14.4' and 17.8' side set back abutting Luna Street. Live work developments are permitted in the S-D/sc zone district.

Dimensional Standards for S-D (Special Development) district are as follows: Minimum lot area, lot width and depth not applicable, maximum of 20 dwelling units per acre, front yard set back 20, rear yard set back 10, no cumulative required, side yard set back 10' between structures and 10' side yard set back abutting side street. Maximum height is 45'. As per section 20.10.360 reduced set backs may be requested thru approval of a site development plan.

Applicant is required to provide 4 parking spaces and is providing 5 spaces. Primary pedestrian access is via Montana Avenue and vehicular access through Luna Street. Property owner is not proposing to use alley for access. Applicant is not requesting to remove condition placed by special contract.

**NEIGHBORHOOD INPUT:** Notice of Public Hearing not required for detailed site development plan as per the El Paso City Code.

**The Plan for El Paso –City-wide Land Use Goals:  
For Special Development**

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The Special Development zone district provides an opportunity for mixed-use projects integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping. The detailed site development plan ensures that the regulations of the special development district have been complied with.

The regulations of the special development district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and providing of services to the public in such older residential areas. The detailed site development plan ensures that the location and arrangement of structures follow requirements of the special development district.

The Special Development zone district along with the detailed site development plan allows for the protection of traffic capacity of streets serving such older residential areas; encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of the special development district, older areas of the city shall be deemed those areas

where development has existed for at least twenty-five years. The detailed site development plan ensures that the uses proposed conform to the applicable zoning and development regulations.

**DEVELOPMENT COORDINATING COMMITTEE:**

The Development Coordinating Committee provides the following comments:  
The DCC recommends approval of detailed site development plan.

**Development Services Department - Building Permits and Inspections Division:**

Zoning Review: Proposed use permitted on S-D (Special Development) District. Meets district's minimum yard, off-street parking and loading standards.

Landscape Review: Landscaping is not required for this project unless they add new floor area. If the applicant adds any new floor area to the existing building then landscaping shall be required for the new floor area at the rate of .075

**Development Services Department - Planning Division:**

Current Planning: Recommends **approval**, the detailed site development plan meets the requirements of 20.04.150 detailed site development plan of the El Paso City Code.

Land Development: No Comments Received

**Engineering Department - Traffic Division:**

ADA parking shall be Van accessible and comply with TDLR, providing a 20' by 8' parking stall with a 20' by 8' landing. Provide scale and accurate measurements.

**Fire Department:**

No comments received.

**El Paso Water Utilities:**

EPWU does not object to this request.

**Parks:**

No comments received.

**Sun Metro:**

No comments received.

**School Districts:**

No comments received.

**CITY PLAN COMMISSION OPTIONS :**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

- 1 Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
- 2 Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
- 3 Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

**Attachments:**

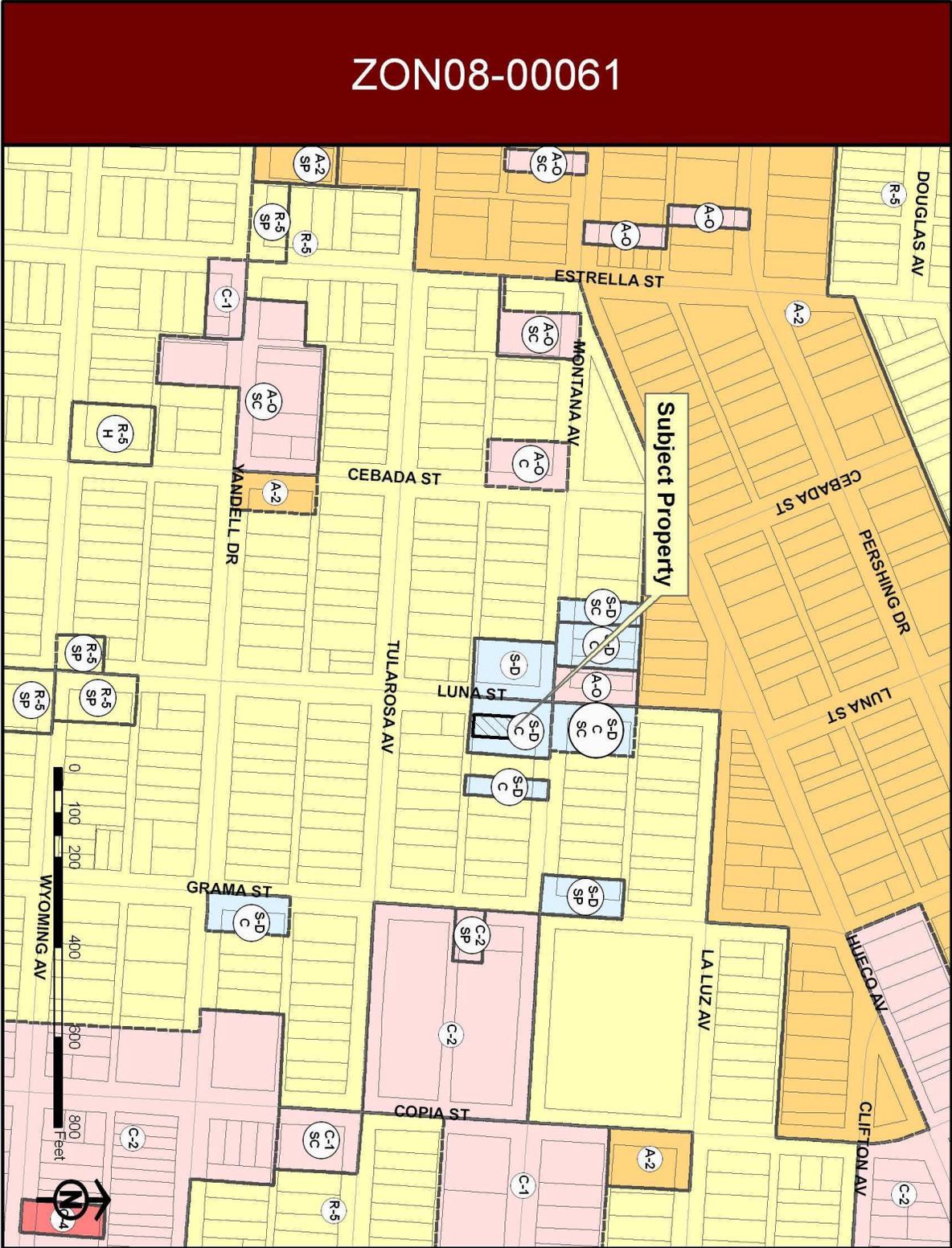
Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Detailed Site Development Plan

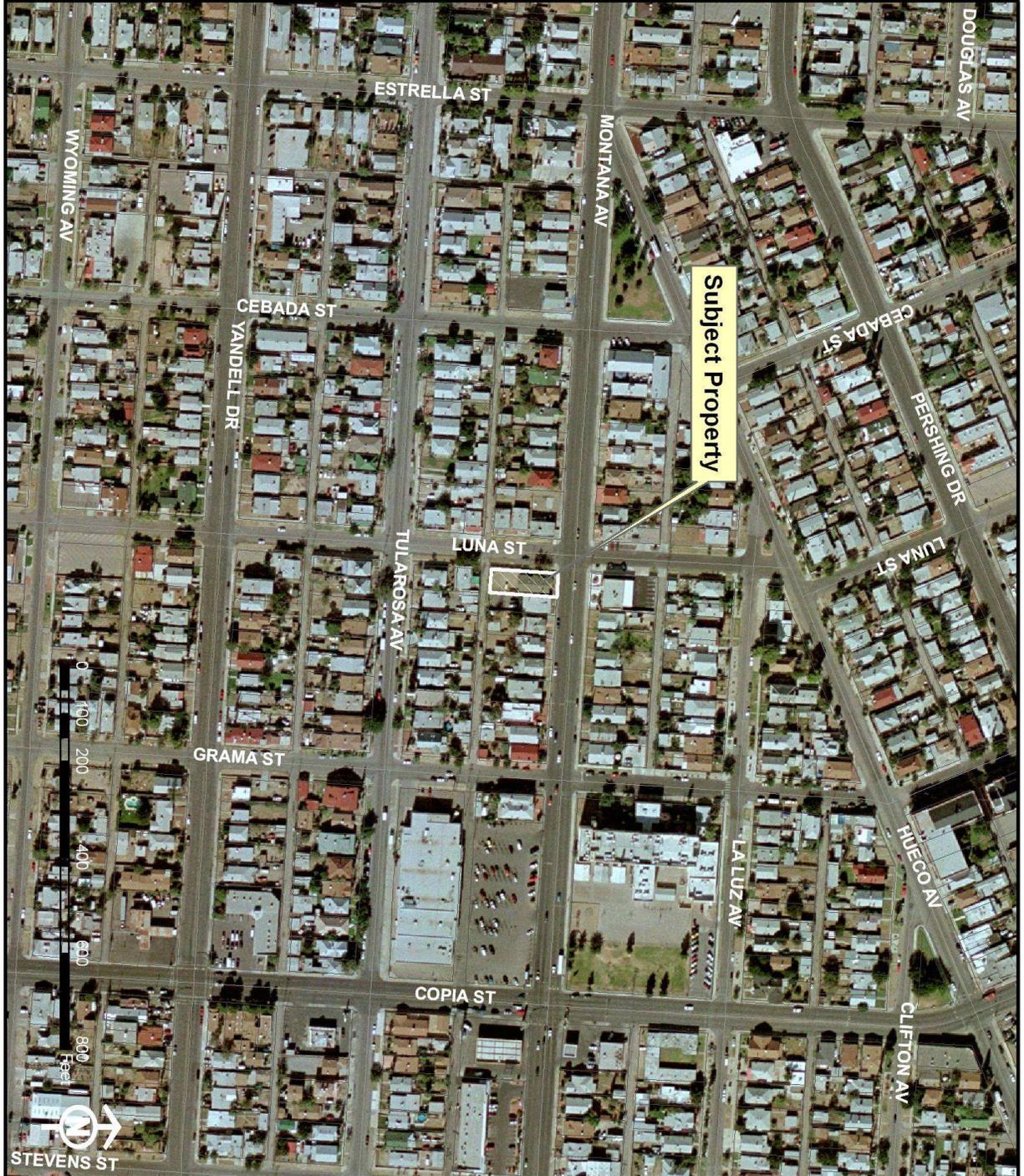
Attachment 4: Typical Elevations

Attachment 1: Zoning Map

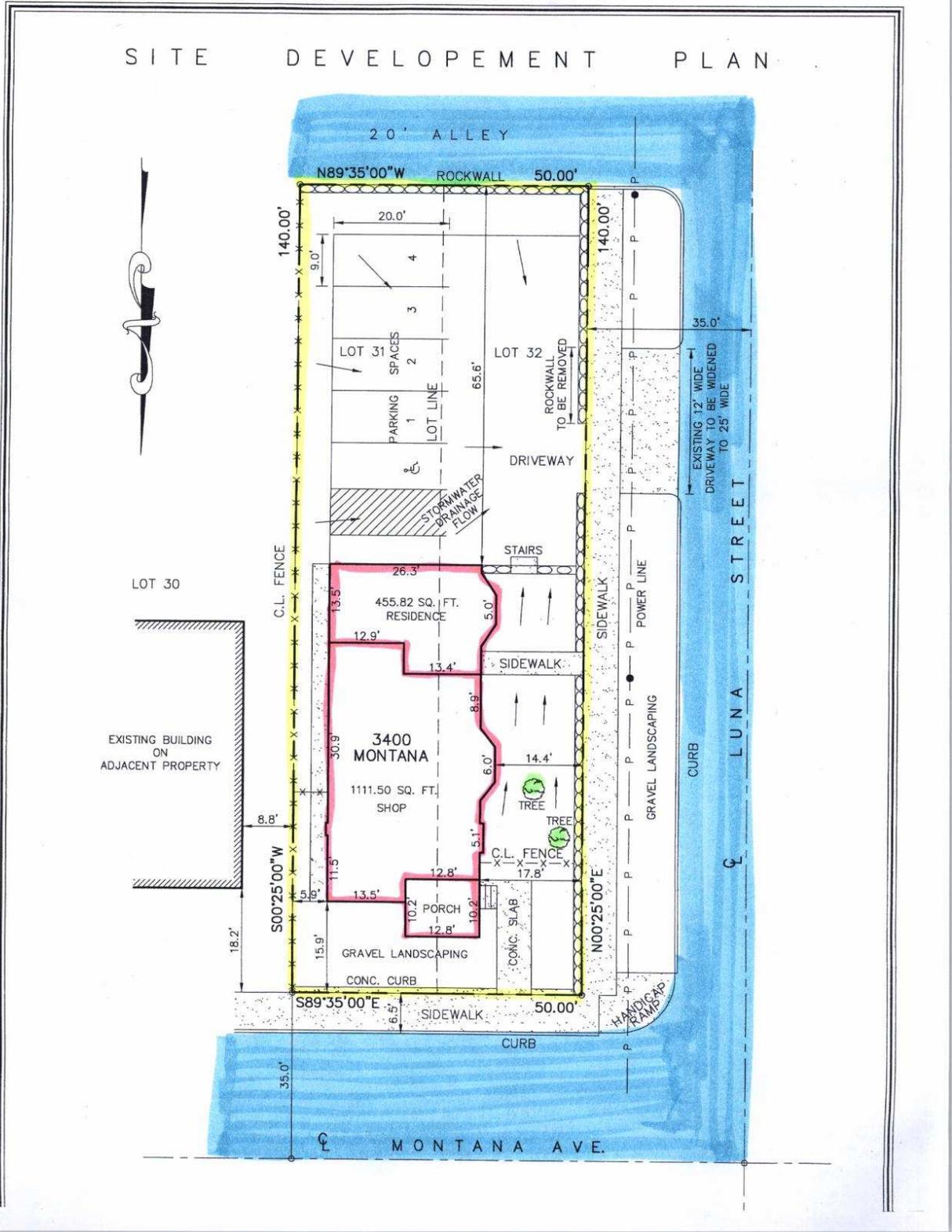


Attachment 2: Aerial Map

ZON08-00061



# Attachment 3: Detailed Site Development Plan



**Attachment 4: Typical Elevations**

